

Karma M. Giulianelli (SBN 184175)
karma.giulianelli@bartlitbeck.com

BARTLIT BECK LLP
1801 Wewatta St., Suite 1200
Denver, Colorado 80202
Telephone: (303) 592-3100

Hae Sung Nam (*pro hac vice*)
hnam@kaplanfox.com

KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue
New York, NY 10022
Telephone: (212) 687-1980

*Co-Lead Counsel for the Proposed Class in In re
Google Play Consumer Antitrust Litigation*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY CONSUMER
ANTITRUST LITIGATION**

RELATED ACTIONS:

Epic Games Inc. v. Google LLC et al.,
Case No. 3:20-cv-05671-JD

*In re Google Play Developer Antitrust
Litigation*, Case No. 3:20-cv-05792-JD

State of Utah, et. al., v. Google LLC, et. al.,
Case No. 3:21-cv-05227-JD

No. 3:20-CV-05761-JD

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL AND NOTICE OF
LODGING PURSUANT TO CIVIL
LOCAL RULE 79-5**

Judge: Hon. James Donato

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiffs submit this administrative motion to file under seal the Consolidated Second Amended Class Action Complaint (“SAC”). The basis for the motion is set forth below as to excerpts of the complaint that the Court has previously ordered to be filed under seal after briefing in connection with the First Amended Complaint (“FAC”).

I. LEGAL STANDARD

Historically, courts have recognized a general right to inspect and copy public records and documents, including judicial records and documents. *Nursing Home Pension Fund v. Oracle Corp.*, C01-00988 MJJ, 2007 WL 3232267, at *1 (N.D. Cal. Nov. 1, 2007). The strong presumption of public access may be overcome if a party presents “compelling reasons supported by specific factual findings, . . . that outweigh the general history of access and the public policies favoring disclosure.” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006).

II. REQUEST TO SEAL AND NOTICE OF LODGING

In accordance with the Protective Order, Dkt. 34, Plaintiffs request that the unredacted version of the SAC be filed under seal, as it contains materials the Court has previously ordered to be filed under seal. The Court ordered that these identical excerpts be filed under seal on August 25, 2021, after extensive briefing related to the sealing of the FAC. *See* MDL Dkt. 89; Civil Local Rule 79-5(b). The specific portions of the SAC that reference confidential materials are set out in the Declaration of Karma M. Giulianelli, filed as an exhibit to this motion.

The following documents are being lodged under seal:

- The unredacted versions of the SAC, containing information that the Court has previously ordered filed under seal.
- The unredacted redline version of the SAC, comparing it to the FAC, containing information that the Court has previously ordered to be filed under seal.

Pursuant to Civil Local Rule 79-5, this motion is supported by the accompanying Declaration of Karma M. Giulianelli, and attaches both the redacted and unredacted versions of

PLAINTIFFS’ ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL AND
NOTICE OF LODGING PURSUANT TO CIVIL LOCAL RULE 79-5

Case No. 3:20-CV-05761-JD

1 the FAC and the redlined FAC. Plaintiffs further submit a proposed order.
2

3 Dated: December 3, 2021
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL AND
NOTICE OF LODGING PURSUANT TO CIVIL LOCAL RULE 79-5
Case No. 3:20-CV-05761-JD

Respectfully submitted,

By: /s/ Karma M. Giulianelli

BARTLIT BECK LLP

Karma M. Giulianelli (SBN 184175)
Glen E. Summers (SBN 176402)
Jameson R. Jones (*pro hac vice*)
1801 Wewatta St., Suite 1200
Denver, CO 80202
Telephone: (303) 592-3100
Facsimile: (303) 592-3140
karma.giulianelli@bartlitbeck.com
glen.summers@bartlitbeck.com
jameson.jones@bartlitbeck.com

John Byars (*pro hac vice*)
Lee Mason (*pro hac vice*)
54 W. Hubbard St., Suite 300
Chicago, IL 60654
Telephone: (312) 494-4400
Facsimile: (312) 494-4440
john.byars@bartlitbeck.com
lee.mason@bartlitbeck.com

KOREIN TILLERY, LLC

George A. Zelcs (*pro hac vice*)
Robert E. Litan (*pro hac vice*)
Randall Ewing, Jr. (*pro hac vice*)
205 North Michigan, Suite 1950
Chicago, IL 60601
Telephone: (312) 641-9750
Facsimile: (312) 641-9751
gzelcs@koreintillery.com
rlitan@koreintillery.com
rewing@koreintillery.com

Stephen M. Tillery (*pro hac vice*)
Michael E. Klenov (SBN 277028)
Carol O'Keefe (*pro hac vice*)
505 North 7th Street, Suite 3600
St. Louis, MO 63101
Telephone: (314) 241-4844
Facsimile: (314) 241-3525
stillery@koreintillery.com

By: /s/ Hae Sung Nam

KAPLAN FOX & KILSHEIMER LLP

Hae Sung Nam (*pro hac vice*)
Robert N. Kaplan (*pro hac vice*)
Frederic S. Fox (*pro hac vice*)
Donald R. Hall (*pro hac vice*)
Aaron L. Schwartz (*pro hac vice*)
850 Third Avenue
New York, NY 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7715
hnam@kaplanfox.com
rkaplan@kaplanfox.com
ffox@kaplanfox.com
dhall@kaplanfox.com
aschwartz@kaplanfox.com

KAPLAN FOX & KILSHEIMER LLP

Laurence D. King (SBN 206423)
Kathleen A. Herkenhoff (SBN 168562)
1999 Harrison Street, Suite 1560
Oakland, CA 94612
Telephone: (415) 772-4700
Facsimile: (415) 772-4707
lking@kaplanfox.com
kherkenhoff@kaplanfox.com

PRITZKER LEVINE, LLP

Elizabeth C. Pritzker (SBN 146267)
Bethany Caracuzzo (SBN 190687)
Caroline Corbitt (SBN 305492)
1900 Powell Street, Suite 450
Emeryville, CA 94608
Telephone: (415) 805-8532
Facsimile: (415) 366-6110
ecp@pritzkerlevine.com
bc@pritzkerlevine.com
ccc@pritzkerlevine.com

mklenov@koreintillery.com
cokeefe@koreintillery.com

**COTCHETT, PITRE & MCCARTHY,
LLP**

Nanci E. Nishimura (SBN 152621)
Adam J. Zapala (SBN 245748)
Elizabeth T. Castillo (SBN 280502)
Tamarah P. Prevost (SBN 313422)
Noorjahan Rahman (SBN 330572)
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
nnishimura@cpmlegal.com
azapala@cpmlegal.com
ecastillo@cpmlegal.com
tprevost@cpmlegal.com
nrahman@cpmlegal.com

MILBERG PHILLIPS GROSSMAN LLP

Peggy J. Wedgworth (*pro hac vice*)
Robert A. Wallner (*pro hac vice*)
Elizabeth McKenna (*pro hac vice*)
Blake Yagman (*pro hac vice*)
Michael Acciavatti (*pro hac vice*)
100 Garden City Plaza, Suite 500
Garden City, NY 11530
Telephone: (212) 594-5300
Facsimile: (212) 868-1229
pwedgworth@milberg.com
rwallner@milberg.com
emckenna@milberg.com
byagman@milberg.com
macciavatti@milberg.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on December 3, 2021 upon all counsel of record via the Court's electronic notification system.

/s/ Karma M. Giulianelli